

**Minutes for Second Signature Ad Hoc Committee
September 14, 2007
Draft Minutes**

Call to Order

Meeting was called to order at 10:05 a.m.

Committee Members:

Mark Sawyers
Randy Seibert
Gary Teter
Fred Schelar
Ron Miner

Other Member Present:

Ray Hodge
Roy Boswell
Charlie Brown

Members of the public present:

David Reidenbach, Chief of Fairfax County
Bill Higgins, Jack's Towing
Bill Woodson, Owner, Capital Garage Inc.
Patricia Carroll, State Legislative Liaison
Larry Land, Director of Policy Development
Mary R. Naylor, Prince William County Police Department
Matt Benka, MIHROA
Brian M. Gordon, Vice President Government Affairs for AOBA
Thomas Garrity, Sergeant Prince William County Police Department
David Derringer, Chesterfield Police Department

Daphane Phillips, Administrative Assistant
Benjamin Foster, Executive Director

Purpose:

Chairman Sawyers stated that the Board's chair has asked the Committee to come up with a vote on the Proposal, and present it to the full Board by their next meeting.

Public Comments:

None

Minutes:

Chairman Sawyers call for a motion to approve the minutes from the last meeting. Motion was made by Randy Seibert and second by Gary Teter. The minutes were adopted unanimously.

The Committee made the motions to adopt the following changes to the attached document:

Randy Seibert made the motion to adopt the changes that was made to section **C-3**, second by Fred Schelar. The Committee vote 4 to 1 to accept changes.

The Committee voted 3 to 2 in favor of leaving in section **C-1**.

Ron Miner made the motion to vote on changing the language in section **C-3**, second by Fred Schelar. The Committee voted unanimously in favor of the changes.

Mr. Miner made the motion to add in verbiage on placing a sticker on vehicles in **5-C**. The Committee voted 4 to accept and 1 apposed.

Mr. Seibert made the motion to strike: **C-5** provisions of this subsection shall only apply to parking lots, parking areas, or parking spaces in a parking lot or areas or any part of a parking lot or area, or of any other lot or building, including any county, city or town, or authorized agent of the person having control of such premises and replace it with a new section **D**. The motion was carried unanimously.

Ad Hoc Committee Discussion:

§ [46.2-1232](#). Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

~~C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; and (iii) obtain, at the time the vehicle is towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.~~

C. Such local ordinances shall be limited to requiring towing and recovery operators to comply with one or more of the following;

- 1. Obtain and retain photographs or other documentary evidence substantiating the reason for removal.*
 - 2. Signage as required by section 46.2-1231 of the Code of Virginia as a condition of removal or immobilization of trespassing vehicles. However, a locality may, by ordinance require the minimum size and location of such signage.*
 - 3. Posting of charges as required by Sections 46.2-1233.1 and 46.2-2800 et.seq, or, if established by local ordinance the maximum charges allowed for towing and storage.*
 - 4. A written contract be in effect between the towing and recovery operator and the property owner from which the vehicle is towed or immobilized, and that such contract shall be available for inspection by a government official at the recovery operator and the property owners primary place of business during normal business hours as a result of a complaint and as part of the investigation of that complaint.*
 - 5. Affix a warning sticker at least 48 hours prior to tow on any vehicle found to be without license plates or to have expired license plates, missing or no state inspection sticker, expired state rejection sticker, flat tires or minor damage.*
- D. The Virginia Board of Towing and Recovery Operators may revoke or suspend a driver's authorization document or reprimand a driver for violations related to the removal or immobilization of a vehicle related to this section.*

Chairman Sawyers entertain the motion to accept the changes that was made to the above document. Mr. Fred Schelar made the motion to accept, second by Mr. Randy Seibert. The Committee voted in favor of sending it to Counsel and the full Board. The motion was adopted unanimously.

Adjournment:

There being on further business, the meeting was adjourned at 12:49 p.m.